

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**THE BERKSHIRE GAS COMPANY**

**D.T.E. 01-41**

**MOTION FOR EXTENSION OF CONFIDENTIAL TREATMENT  
OF THE BERKSHIRE GAS COMPANY**

The Berkshire Gas Company ("Berkshire" or "Company") hereby requests that the Department of Telecommunications and Energy ("Department") extend its grant of confidential treatment of certain contractual provisions and evidentiary matters contained in the final decision issued June 29, 2001 in the above-captioned proceeding. In support of its Motion, the Company states the following:

1. The Company is a gas company organized under the laws of the Commonwealth of Massachusetts and engaged in the business of selling and distributing gas at retail in Massachusetts.
2. The Company is represented by James M. Avery, Esquire, of Brown Rudnick Berlack Israels LLP, One Financial Center, Boston, Massachusetts 02111.
3. On April 9, 2001, the Company filed a Gas Portfolio Optimization Agreement between BP Energy Company ("BP Energy") dated as of March 30, 2001 (the "Portfolio Agreement") and a Gas Sales and Purchase Agreement (the "Purchase Agreement") between the Company and BP Energy also dated as of March 30, 2001. In an Order dated June 29, 2001 in this proceeding (the "Order"), the Department approved these agreements finding that the Portfolio Agreement was "consistent with the public interest" and that the Purchase Agreement was "consistent with the Company's resource portfolio objectives." See, Order p.12.
4. In the Order, the Department granted the Company's Motion for Confidential Treatment relating to certain confidential, competitively sensitive or other proprietary information provided in the course of the proceedings conducted in order to review the Portfolio Agreement and the Purchase Agreement. See Order, pp.17-18. The Department noted that, consistent with the requirements of G.L. c. 25, §5D, the Department was allowing for protected treatment for the requested materials for a period of one year from the date of the Department's Order. Id.
5. On April 5, 2002, the Company filed a new Gas Portfolio Optimization Agreement and Gas Sales and Purchase Agreement (collectively, the "2002 Agreements") for review and approval of the Department. The 2002

Agreements were also executed with BP Energy after two separate competitive solicitations and covered a term beginning on April 1, 2002 and terminating March 31, 2004. As noted in the Company's initial filing in docket D.T.E. 02-19, the 2002 Agreements are similar in form, structure and pricing provisions to the agreements approved in docket D.T.E. 01-41. At a public hearing on May 24, 2002, the Hearing Officer in docket D.T.E. 02-19 granted the Company's Motion for Confidential Treatment of certain portions of the 2002 Agreements and related responses to information requests of the Department and the Attorney General of the Commonwealth for a period of one year from the date of such decision. The Hearing Officer also acknowledged that it may be appropriate and necessary for the Company to seek an extension of his ruling during the term of the 2002 Agreements.

6. The 2002 Agreements are similar in form, structure and pricing provisions to the agreements approved in docket D.T.E. 01-41. Further, the Department has granted protected treatment for the 2002 Agreements for at least a period of one year. Given the substantial similarity of the agreements and the Hearing Officer's ruling, it is necessary and appropriate for the protected treatment granted in docket D.T.E. 01-41 to extend for, at a minimum, a similar period. Accordingly, the Company respectfully requests that the Department extend the confidential and protected treatment accorded to certain provisions of the agreements approved in docket D.T.E. 01-41 and certain other evidence submitted in that proceeding, for a period coincidental with the confidential treatment granted with respect to any confidential materials submitted in docket D.T.E. 02-19.

WHEREFORE, the Company respectfully requests that the Department grant its Motion for Extension of Confidential Treatment and, further, that the Department grant such other relief as it may deem necessary or appropriate.

Respectfully submitted,

THE BERKSHIRE GAS COMPANY

By its attorneys,

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Dated: June 3, 2002